



2021 South Dakota Legislature

House Bill 1190

Introduced by: **Representative Mulally**

1 **An Act to revise the process to vacate a part of certain highways.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That § 31-3-6 be AMENDED.

4 **31-3-6. Counties and townships--Authority to vacate, change, or locate**
 5 **highway--Petition--Contents of petition.**

6 Upon receiving ~~the a~~ a petition of to vacate, change, or locate a highway that is
 7 signed by two or more voters of an organized civil township or of the number of voters
 8 equal to or greater than one percent of the ballots cast for the last gubernatorial election
 9 in the affected county, or a petition to vacate a part of a highway that is signed by at least
 10 two-thirds of the owners of the property adjoining the part of a highway that is proposed
 11 to be vacated, the board of supervisors of the township or the board of county
 12 commissioners wherein the highway is located or is proposed to be located may, except
 13 as provided in §§ 31-3-12 and 31-3-44, ~~vacate, change, or locate any highway located or~~
 14 ~~to be used within the township or county,~~ take the action proposed in the petition if the
 15 public interest will be better served by the proposed ~~vacating, changing, or locating of the~~
 16 highway action. The petition ~~of the voters~~ shall set forth the beginning, course, and
 17 termination of the highway proposed to be located, changed, or vacated, together with
 18 the names of the owners of the land through which the highway may pass.

19 The board of supervisors or the board of county commissioners may, at any time
 20 by ordinance, vacate, change, or locate any highway that is located or proposed to be
 21 located in the township or county if it serves the public interest.